IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 3548 of 2008

Between:
C.H.Narsing Rao Force no.980120013, Water Carrier,
S/o. Sri C.H.Hanumanthu, R/o.No.99RAF/CRPF,
Hakimpet Sec'bad - 78

..... PETITIONER

AND

1 The Govt., of India, Rep by its Secretary, Ministry of Home Affairs, South Block, New Delhi 110003
2 The Director General of Police, Central Reserve Police Force, CGO Complex,Lodi Road, New Delhi 110003
3 The Commandant, 99 RAF/CRPF, Hakimpet, Sec'bad - 500 078.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned Transfer order dated 6-11-2007 issued by the 3rd respondent as arbitrary, discriminatory, malafide and contrary to the instruction dated 7-05-2004 issued by the 2nd respondent and consequently set aside the said impugned order dated 6-11-2007 and direct the respondent to consider and post the petitioner where medical facilities are available with all other consequential benefits, monetary and pass such other order or orders as deem fit land proper.

Counsel for the Petitioner:MR.NARINDER PAL SINGH

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY

(ASST SOLICITOR GEN)

The Court made the following :

O R D E R:

Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner, who is working as a Water Carrier in Group 'D' services of the Central Reserve Police Force (CRPF), has filed this writ petition questioning his transfer order, dated 06-11-2007, issued by the third respondent vide Signal No.T.IX-4/07-99 EC I (ACO-07).

It is stated, in the affidavit filed in support of the writ petition, that the petitioner is working in battalion 99 of Rapid Action Force of CRPF, Secunderabad, and he is now transferred by the impugned order to battalion 64, which is at Assam. The petitioner mainly questioned his transfer order on the ground that it is in contrary to the transfer policy guidelines issued by the Director General of Police, CRPF-the second respondent, wherein it is stated that as a general rule Group 'D' staff may not be transferred except on promotion, which will be within the Sector. On receipt of the information about the transfer, it is stated that the petitioner has filed a representation dated 16-02-2008 to the first respondent, but however, no orders have been passed.

I have perused the copy of the representation and also the transfer policy guidelines.

In the representation, it is stated that the petitioner is suffering from Tuberculosis and haemorodetry diseases, for which he is taking treatment in the Gandhi Hospital, Secunderabad, and he is not relived from the present station pursuant to the order of transfer.

Though the transfer policy guidelines would indicate that

generally Group ‘D’ employees may not be transferred but, however, in exigencies the guidelines will not preclude the respondents from transferring Group ‘D’ employees also. Transfer is incidence of service and that the petitioner cannot question the order of transfer by seeking a Writ of Mandamus, in the absence of questioning the competency of the Officer, who has passed the transfer order.

Therefore, I do not find any infirmity in the impugned order. However, since the petitioner has already submitted a representation dated 16-02-2008 in view of the diseases he is suffering from and as it is stated that the said representation is pending and that he is not yet relieved from the present station, I dispose of the writ petition directing the respondents to consider the representation of the petitioner dated 16-02-2008 and communicate the petitioner with the decision taken thereon as expeditiously as possible. Till then, the respondents shall not relieve the petitioner, if, as on today, he is not relieved from the present station. No order as to costs.

_____

R.SUBHASH REDDY,J

Dated 21st February, 2008

vrn

... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Govt., of India, Rep by its Secretary, Ministry of Home Affairs, South Block, New Delhi 110003

2 The Director General of Police, Central Reserve Police Force, CGO Complex,Lodi Road, New Delhi 110003

3 The Commandant, 99 RAF/CRPF, Hakimpet, Sec'bad - 500 078.

4 2CD copies